Google Inc. et al v. Egger et al
Doc. 201 Att. 2

EXHIBIT B

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Plaintiffs proposed schedule
(as of March 9, 2007)

To be added later:

1. Response to Hepting discovery if the Court allows
2. Al Haramain discovery and summary judgment motions if the Court allows
3. State AGs/PUC cases

DATE	CASE	EVENT
March 29	MCI class	Motions to dismiss due per Court Order (both govt and MCI)
April 6	CCR	Government supplemental briefs on both parties' pending dispositive motions from S.D.N.Y.
April 26	MCI class	Opposition to motions to dismiss
May 4	CCR	Plaintiffs response
May 18	MCI class	Reply on motions to dismiss due
May 25	CCR	Government reply
May 25	Shubert	Govt motion to dismiss (same as current schedule)
June 8	MCI class	Hearing on motions to dismiss
June 11	CCR	Hearing on pending dispositive motions from S.D.N.Y.
June 22 (approx)	Shubert	Plaintiffs Opposition
July 6 (approx)	Shubert	Government reply
July 20 (approx)	Shubert	Hearing

Verizon and BellSouth motions to dismiss for all types of pending cases will to be scheduled after a decision on MCI. Note that if Verizon insists on its motion to dismiss going forward along with the MCI motion to dismiss, BellSouth plaintiffs counsel will insist that the BellSouth motion to dismiss go forward as well on the same schedule.

From: Cindy Cohn <cindy@eff.org>
Subject: **Scheduling**
Date: March 9, 2007 1:35:33 PM PST
To: "Tony ((CIV)) Coppolino" <Tony.Coppolino@usdoj.gov>, "Carl ((CIV)) Nichols" <Carl.Nichols@usdoj.gov>
1 Attachment, 56.5 KB

Dear Tony and Carl,

I'm glad we were able to have a more civil call last night. I have checked with plaintiffs' counsel, however, and we are not willing to stipulate to the schedule you proposed and believe that the motion to dismiss from MCI alone should go forward on the date set by the Court. As you know, plaintiffs' counsel believe that the issue of application of the Hepting rule to the other carriers should have decided as part of the OSC in February, and it appears from his comments at the hearing that Judge Walker believed the same. The failure of the carriers and the government to respond properly to the OSC essentially wasted the time between the November Case Management Conference and late February. As a result, we believe that Judge Walker's decision to require the response by March 29, over five weeks after his February 20 ruling, is reasonable and should be followed.

Moreover, plaintiffs believe that by offering to delay the motion as to Verizon and BellSouth, and by stipulating as to the non-Hepting AT&T cases, we have already taken into account the concerns you raised about the crowded schedule in the case overall.

Next, I have checked with counsel for CCR and Shubert about the dates proposed for those cases in your email of Tuesday. The starting date for Shubert on May 25 is acceptable, but counsel believes the briefing schedule, which stretches until September 14, is far too long. I've given rough alternative dates in the attached proposed schedule, but it may make more sense for you to talk to Shubert's counsel directly about specifics.

Finally, counsel for CCR is comfortable with the basic schedule you have proposed. In order to respond to your concerns about briefing and hearing both CCR and MCI on the same schedule, however, counsel is also amenable to staggering things a bit more with the MCI case and those suggestions are reflected in the attached proposed schedule.

Cindy

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Plaintiffs pro...doc (56.5 KB)